

# SENATE BILL 248

D1

(0lr1317)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Frosh, Brochin, Forehand, Gladden, Haines, Muse, Raskin, and Stone**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Civil Cases – Maryland Legal Services Corporation Fund** ~~— Surcharges~~

3 FOR the purpose of altering a certain surcharge on certain fees, charges, and costs in  
4 certain civil cases in the circuit courts and the District Court; requiring the  
5 executive director of the Maryland Legal Services Corporation to prepare a  
6 budget for the Corporation; requiring a certain informational budget to be  
7 submitted to the General Assembly in conjunction with the budget of the Judicial  
8 Branch of the State government; providing for the termination of this Act;  
9 making a stylistic change; and generally relating to ~~certain surcharges~~  
10 ~~deposited into~~ the Maryland Legal Services Corporation Fund.

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 7–202(a)(1) and (d) and 7–301(c)

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2009 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – Courts and Judicial Proceedings  
5 Section 7–202(e)  
6 Annotated Code of Maryland  
7 (2006 Replacement Volume and 2009 Supplement)

8 BY adding to  
9 Article – Human Services  
10 Section 11–208  
11 Annotated Code of Maryland  
12 (2007 Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 7–202.

17 (a) (1) **(I)** The State Court Administrator shall determine the amount  
18 of all court costs and charges for the circuit courts of the counties with the approval of  
19 the Board of Public Works.

20 **(II)** The fees and charges shall be uniform throughout the State.

21 (d) The State Court Administrator, as part of the Administrator's  
22 determination of the amount of court costs and charges in civil cases, shall assess a  
23 surcharge that:

24 (1) May not be more than ~~[\$25] \$70 \$50~~ \$55 per case; and

25 (2) Shall be deposited into the Maryland Legal Services Corporation  
26 Fund established under § 11–402 of the Human Services Article.

27 (e) If a party in a proceeding feels aggrieved by any fee permitted under this  
28 subtitle or by §§ 3–601 through 3–603 of the Real Property Article, the party may  
29 request a judge of that circuit court to determine the reasonableness of the fee.

30 7–301.

31 (c) (1) The filing fees and costs in a civil case are those prescribed by law  
32 subject to modification by law, rule, or administrative regulation.

1 (2) The Chief Judge of the District Court shall assess a surcharge that:

2 (i) May not be more than:

3 1. [~~\$5~~] ~~\$10~~ ~~\$7~~ \$8 per summary ejectment case; and

4 2. [~~\$10~~] ~~\$20~~ ~~\$15~~ \$18 per case for all other civil cases;

5 and

6 (ii) Shall be deposited into the Maryland Legal Services  
7 Corporation Fund established under § 11-402 of the Human Services Article.

8 (3) The Court of Appeals may provide by rule for waiver of  
9 prepayment of filing fees and other costs in cases of indigency.

10 Article – Human Services

11 11-208.

12 (A) THE EXECUTIVE DIRECTOR SHALL PREPARE AN ANNUAL BUDGET  
13 FOR THE CORPORATION.

14 (B) (1) FOR INFORMATIONAL PURPOSES ONLY, THE CORPORATION  
15 SHALL SUBMIT ITS BUDGET TO THE GENERAL ASSEMBLY IN CONJUNCTION WITH  
16 THE BUDGET REQUEST OF THE JUDICIAL BRANCH OF THE STATE GOVERNMENT  
17 ON NOVEMBER 1 OF EACH YEAR.

18 (2) THE INFORMATIONAL BUDGET REQUIRED UNDER THIS  
19 SUBSECTION SHALL INCLUDE 3 YEARS OF DATA, INCLUDING THE MOST  
20 RECENTLY COMPLETED FISCAL YEAR, AN ESTIMATE FOR THE CURRENT FISCAL  
21 YEAR, AND AN ESTIMATE FOR THE NEXT FISCAL YEAR, INCLUDING:

22 (I) A SUMMARY OF TOTAL EXPENDITURES AND THE  
23 SOURCES OF REVENUE THAT SUPPORT THAT SPENDING;

24 (II) LINE ITEM EXPENDITURE DETAIL FOR PERSONNEL,  
25 OPERATING EXPENSES, AND GRANTS, INCLUDING INDIVIDUAL GRANTEES;

26 (III) NARRATIVE EXPLANATION OF ALL REVENUE AND  
27 SPENDING CHANGES BETWEEN THE CURRENT FISCAL YEAR AND THE NEXT  
28 FISCAL YEAR;

29 (IV) PERFORMANCE MEASUREMENT DATA THAT DETAILS THE  
30 USE OF FUNDS; AND

1                                    (V) DETAIL ON THE CORPORATION'S RESERVE FUND,  
 2 INCLUDING ACTUAL AND ESTIMATED END OF FISCAL YEAR BALANCES,  
 3 TRANSFERS TO AND FROM THE RESERVE FUND, AND THE POLICIES GOVERNING  
 4 THE RESERVE FUND.

5                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 6 ~~June 1, 2010~~ July 1, 2010. It shall remain effective for a period of 3 years and, at the  
 7 end of June 30, 2013, with no further action required by the General Assembly, this Act  
 8 shall be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.